

REMARKS

The applicants appreciate the examiner's review of the prior art and request reconsideration of the pending claims in view of the following remarks. Claims 1, 4-7, 10-13, 16-24, 37, 38, 40-47, 49, 63-75, and 77-92 are currently pending in the application. The applicants have amended claims 1, 13, 74, 82, and 90.

The applicants would also like to thank the examiner for the telephonic interview of June 5, 2007 regarding claims 37, 38, 40-47, 49, and 63-73. In particular, applicants brought to the examiner's attention that claims 37, 38, 40-47, 49, and 63-73 were not addressed in the Office Action dated February 13, 2007. Examiner MacNeill indicated that she would issue a supplemental action to address the missing claims and reset the period of response to 3 months from the mailing date of the supplemental action.

35 U.S.C. 102(b) Rejections

The office action rejected claims 1, 4-7, 10-13, 16-24, 37-38, 40-47, 49, 63-75, and 77-92 as being anticipated by US Patent Number 3,806,086 (Cloyd et al., hereinafter "Cloyd").

Amended claim 1 defines, in relevant part, a medical valve having a plug member supported by a gland. To facilitate use, the gland has a seal section that, when closed, is substantially aligned with the exterior inlet face such that the seal section is swabbable; e.g., the seal section may be easily cleaned with an alcohol swab. As known by those in the art, this alignment provides the swabbability of the seal section of the gland. See various drawings (e.g., see Figs. 1, 10, 12, and 15, among others) and the specification for details of this alignment. The amendment to this claim simply brings out the inherent requirement of this alignment.

Cloyd does not show a medical valve with a gland having a swabbable seal section with this alignment. Instead, Cloyd teaches a coil spring 18 biasing a valve member 14. Neither the spring 18 nor the valve member 14 has the defined alignment. The office action suggests, however, that the spring 18 constitutes the resilient gland member. Applicants disagree. However, if this were true, then the claim still is patentable because, among other things, no part of the spring 18 is aligned with the inlet. In fact, it appears that the spring 18 is not even accessible from the inlet due to the flange 20 covering it. Of course, accessibility is different from swabbability. The applicants simply point out the inaccessibility of the spring simply to

clearly show the non-swabbability of the spring. Accordingly, claim 1 is allowable over Cloyd. Moreover, claims 4-7, and 10-12, which depend from claim 1, are allowable for at least the same reasons.

In a manner similar to claim 1, amended claims 13, 74, 82, and 90 define a medical valve having a gland member with a seal section that is substantially aligned with the exterior inlet face and swabbable when the valve is closed. Accordingly, amended claims 13, 74, 82, and 90 are allowable over Cloyd for the same reasons as discussed above with regard to amended claim 1. Moreover, claims 16-24, 77-81, 83-89, and 91-92, which depend from claims 13, 74, 82, and 90, respectively, are also allowable for at least the same reasons.

Claim 37 defines, in relevant part, a medical valve having a housing defining a passageway, and a gland member supporting a plug member within the passageway. The plug member has an opening nearer to the distal end that normally is occluded by the gland.

Cloyd does not teach a plug member having an opening nearer to its distal end. The generalized dimensions of the schematic drawings cannot definitively show how close the slot 25 is to the distal end unless the specification specifically teaches the dimensions or the specific relationship. The drawings simply are schematic and not necessarily drawn to scale. One cannot infer such a relationship absent some teaching.

The Office Action nevertheless suggests that the slot 25 constitutes an opening in the plug member nearer to the distal end. For the sake of discussion, without agreeing with the action's characterization, even if the diametral slot 25 constituted the opening nearer to the distal end, the coil spring 18 clearly occludes nothing—much less the slot 25. As known in the art, the term “occlude” means to close, or obstruct. At no point does the coil spring close or obstruct the diametral slot 25. Accordingly, claim 37 is allowable over Cloyd. Moreover, claims 38, 40-47, and 49, which depend from claim 37 are allowable for at least the same reasons.

In a manner similar to claim 37, claim 63 also defines a medical valve having a plug member with an opening at its distal end, and a gland member that normally occludes the opening. Accordingly, claim 63 is also allowable over Cloyd for the same reasons as discussed above with regard to claim 37. Moreover, dependent claims 64-73 are also allowable for at least the same reasons.

All pending claims therefore are allowable over the cited art. The application therefore is in condition for allowance and such action is earnestly solicited. Applicants do not believe that

any extension of time is required. However, if an extension of time is required please charge the associated fee and any additional fees required by this paper or credit any overpayment to Deposit Account No. 19-4972. Applicants also request that the examiner contact applicant's attorney, Jonathan Lovely, if it will assist in processing this application through issuance.

Respectfully submitted,

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